

## **REMARKS**

1. Claim 1

a. Tracking Each of a Plurality of Graphical Icons et seq.

In the Office action claim 1 was rejected as allegedly being anticipated by Weaver et al. Claim 1 defines a method for graphically tracking a progression of instructions through one or more hardware components that includes, *inter alia*, tracking each of a plurality of graphical icons by generating a graphical display of a plurality of execution pipelines, each of which has indicia associated therewith that differs from the indicia associated with the remaining pipelines of the plurality of execution pipelines and placing a subset of the plurality of graphical icons adjacent to a first sub-portion of the indicia associated with one of the plurality of execution pipelines. These features are neither taught nor suggested by Weaver et al. Specifically, Weaver et al. teaches away from having indicia uniquely associated with a pipeline in several instances. Assume, for example, that each of the instruction bars shown in Fig. 2 corresponds to claimed pipeline feature, it is seen that each pipeline of Weaver et al. has a common shape. See Fig. 2. Secondly, color is employed by Weaver et al. to indicate different stages of an instruction through a pipeline. As a result, it is highly likely that a pipeline will include common colors, because the instructions propagating therethrough are at common stages of different pipelines. As a result, the pipelines do not have indicia associated therewith that differs from the indicia associated with the remaining pipelines.

In the Office action it was alleged that Fig. 1 – overview the GPV usage flow; Fig. 2- GPV Display Window, element of “instruction window”, Sec. – Graphical Pipeline Views, this stream contains a detailed description of the instruction flow through the machine, documenting the movement of instruction in the pipeline from “birth” to “death”; in addition, the pipetrace stream denotes various other events and stage transition that occur during an

instruction's lifetime; multiple traces can be displayed on the screen at any given time for easy analysis)". What appears to be missing from this analysis is any correlation between the claimed elements and the teachings of Weaver et al.

Applicant submits that the nature of the rejection does not amount to a *prima facie* showing of the obvious of the claimed invention, because it does not satisfy the conditions of the Federal Circuit when rejecting a claim. Specifically, that the USPTO may deny a grant of a patent upon consideration of "all claim limitations when determining patentability of an invention over the prior art", *In re Lowry*, 32 USPQ2d 1031, 1034 (Fed. Cir. 1994), and "the factual basis for its rejection of an application under sections 102 and 103". See *In re Warner*, 154 USPQ 173, 177 (CCPA 1967). More importantly, however, is the recent Supreme Court case *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1387, 1396 (U.S. 2007) in which it found that rejections must be sustained by an explicit analysis of the reasons therefore, citing *In re Kahn*, 78 USPQ2d 1329 (Fed. Cir. 2006). It is contended that the rejection of claim 1 fails to provide the explicit analysis required pursuant to *KSR International*. Therefore, based upon the foregoing, it is submitted that Weaver et al. does not teach or suggest claim 1.

b. Defining a Plurality of Graphical Icons et seq.

Additionally, Weaver et al. does not teach defining a plurality of graphical icons for a plurality of instructions of a code segment, each of the plurality of graphical icons having a displayable appearance that identifies a type of instruction. This results from Weaver et al. advocating alphanumeric indicia to represent each of the instructions. The alphanumeric indicia is identified as being on the left side of Fig. 2 in the area labeled instruction axis. Weaver et al. advocate this to take advantage of associating a mnemonic with the instruction. (See section 3.1). Based upon these teachings it would be unreasonable to interpret Weaver et al. as teaching a graphical icon representing an instruction. Moreover, providing graphical

icons as claimed would prevent Weaver et al. from providing mnemonic characteristics to the indicia representing the instructions. Therefore, based upon the foregoing, it is submitted that Weaver et al. does not teach or suggest claim 1.

c. Sequentially Placing Graphical Icons et seq.

Assuming, *arguendo*, that the alphanumeric indicia describing the instructions set are equivalent to the claimed graphical icons, it is submitted that Weaver et al. does not teach or suggest the following features of claim 1: displaying a progression of each of the plurality of graphical icons through the one or more hardware components during the execution of the code segment by sequentially placing graphical icons of said subset adjacent to additional sub-portions of said indicia associated with said one of said plurality of execution pipelines.

Again assuming each of the instruction bars is analogous to the claimed pipeline, it becomes clear that the icons spatial proximity with the pipeline is fixed. The alphanumeric characters maintain a position with respect to the instruction pipeline that is in the sub-portion of the view labeled Instruction Axis. As a result, Weaver et al. do not teach or suggest sequentially placing graphical icons of said subset adjacent to additional sub-portions of said indicia associated with said one of said plurality of execution pipelines, as claimed. Therefore, based upon the foregoing, it is submitted that Weaver et al. does not teach or suggest claim 1.

2. Claim 13

In the Office action claim 13 was rejected as allegedly being anticipated by Weaver et al. Claim 13 defines a computer readable medium having program instructions to carry-out the operations set forth in claim 1. Applicants submit that the arguments set forth above with respect to claim 1 apply with equal weight to amended claim 13. Therefore, Applicants respectfully contend that Weaver et al. neither anticipates nor renders obvious claim 13.

### 3. Dependent Claims

Considering that the dependent claims include all of the features of the independent claims from which they depend, the dependent claims are patentable to the extent that the independent claims are patentable. As a result, Applicants respectfully contend that a *prima facie* case of either anticipation or obviousness is not present with respect to the dependent claims for the reasons set forth above with respect to the independent claims from which they depend.

Therefore, Applicants respectfully request further examination in view of the amendments and remarks set forth above. A Notice of Allowance is earnestly solicited. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP360). If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6910.

Respectfully submitted,

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